

## PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Monday, April 7, 2014 in Room 200, Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Lund, Supervisor Erickson, Supervisor Moynihan, Supervisor Buckley, Supervisor Evans  
**Excused:** Supervisor Fewell, Supervisor Vander Leest  
**Also Present:** Paul Van Noie, Brent Miller, Michelle Conard, Dan Process, Juliana Ruenzel, Jim Jolly, Supervisor Robinson, Supervisor Sieber, Troy Streckenbach, Robert Bousley, Beth Lemke

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I. **Call Meeting to Order:**

The meeting was called to order by Chairman Tom Lund at 5:30 p.m.

II. **Approve/modify agenda:**

**Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to approve. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

III. **Approve/modify Minutes of March 10, 2014.**

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Comments from the Public** - None

**Communications**

1. **Communication from Supervisor Robinson re: That a report on the results of the County Board listening sessions be given at the January Executive Committee Meeting and that discussion take place on priorities of further Brown County Action. *Held for a month to forward compilation from listening session to all department heads seeking input and return to Executive Committee next month.***

Supervisor Robinson expressed concern that no progress has been made in this matter. He did not feel that he was asking for anything outlandish; he simply is asking that the information from the listening sessions be shared with the department heads so they can look it over and give their opinions as to what issues may have merit and what does not. Robinson felt that at the very least, it is owed to the public to have their input evaluated. He is hopeful that this item will be placed on the May agenda and that some progress will be made by that time.

Supervisor Erickson thanked Robinson for bringing this forward and agreed that it has been dragging on. He suggested that the comments from the listening sessions be sorted out to the appropriate departments and sent to the department heads with an additional copy being sent to the County Executive so that when he meets with the department heads they can comment back and forth on what was determined to be of importance. Erickson continued that there are roughly 260,000 in Brown County and of those about 20 – 25 gave input at the listening sessions.

Robinson agreed that the list of ideas from the listening sessions should be forwarded to department heads and he would like to see some conversations take place on the ideas as to what are worth looking into further and what are not. He also felt that the list of ideas should be utilized in the budget process for the next cycle. He felt it would be good to have a report at this Committee in

May to see what progress has been made and at that point a decision can be made as to what, if anything, should be sent to the full Board.

Robinson continued that he disagreed with Erickson's characterization that 20 – 25 people in the community are steering the County. He views this more as an opportunity to consider public input and is a way for some really interesting ideas to be brought forward. He agreed that forwarding these ideas to the department heads made a lot of sense and he would like to see some progress when this comes back to the Committee in May.

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to bring back at the next Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY**

2. **Communication from Supervisor Robinson re: Request that the Human Services Committee look into the travel reimbursement rate for County Sanitarians including discrepancies in these rates when compared with other County employees. *March Motion: To send to staff to find out what financial impact would be and report back to this committee.***

Robinson stated this was brought back from the last meeting for financial impact, however that information was not available at this time. Miller stated that this falls under Section 3.11 of the Ordinances and the rate paid for travel reimbursement is 80% of the IRS rate for all employees except some employees under the Sheriff's Department contract.

Erickson stated that the sanitarians are paid exactly what any other employee is paid and that is 80% of the IRS rate which he felt was a generous rate. He also indicated that the remaining 20% can be taken as a tax deduction on personal income tax returns so they are not losing anything. Further Erickson felt this rate was a better rate than received in the private sector. Erickson also noted that none of the sanitarians are in attendance at the meeting nor has he received any phone calls or e-mails on this. Erickson was in favor of leaving the rate as it is as he felt it was a generous rate.

Buckley said that he agrees with Erickson and also felt that the driving done by the sanitarians should be done as efficiently as possible. He also felt that giving the sanitarians 45 cents per mile was a generous rate (the IRS rate is 55 cents per mile). He felt that the sanitarians should be concentrating on things other than their mileage rate and further, he does not think any changes to the rate should be made without having the complete class and comp study.

With regard to the class and comp study referenced by Buckley, Robinson felt it would be interesting to see what other counties were paying for employee mileage and also noted that it was difficult to find sanitarians and there is huge competition for them. Secondly, Robinson stated his understanding was that a certain percentage of income needed to be reached in order to deduct mileage on tax returns.

Moynihan felt it was right to bring this communication forward to have the information requested provided.

**Motion made by Supervisor Moynihan to hold until next regularly scheduled Executive Committee meeting. No second; no vote.**

**Motion made by Supervisor Erickson, seconded by Supervisor Evans to receive and place on file. Vote taken. Ayes: Evans, Erickson, Lund, Buckley Nay: Moynihan. MOTION PASSED 4 to 1**

3. **Communication from Supervisor Campbell re: Request to establish a Personnel Committee for Brown County to improve employee communications in Brown County. *March Motion: That Supervisor Buckley and Supervisor Campbell come back to this committee with a concrete proposal for a personnel committee.***

Supervisor Evans stated his understanding was that one of the auspices of the Executive Committee was to act as a personnel committee and he is not in support of creating a separate personnel committee.

**Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Vacant Budgeted Positions (Request to Fill)**

4. **Administration – Administrative Coordinator - Vacated - 3/28/14.**
5. **Clerk of Circuit Court – Clerk Typist II (x2) - Vacated - 3/17/14; 5/3/14.**
6. **Clerk of Circuit Court – Deputy Juvenile Clerk - Vacated - 5/3/14.**
7. **Human Services – Account Clerk I - Vacated – *To be determined.***
8. **Public Works (Facilities Mgmt.) – Facility Worker (.5) - Vacated – 4/2/14.**

**Motion made by Supervisor Moynihan, seconded by Supervisor Evans to suspend the rules and take Items 4 – 8 together. Vote taken. Ayes: Evans, Lund, Moynihan, Erickson Nay: Buckley MOTION CARRIED 4 – 1**

**Motion made by Supervisor Moynihan, seconded by Supervisor Evans to approve Items 4 – 8. Vote taken. Ayes: Evans, Lund, Moynihan, Erickson Nay: Buckley MOTION CARRIED 4 – 1**

**Legal Bills**

9. **Review and Possible Action on Legal Bills to be paid.**

**Motion made by Supervisor Moynihan, seconded by Supervisor Evans to pay the legal bills. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Reports**

10. **County Executive Report.**

County Executive Troy Streckenbach congratulated the Committee on their re-election to their Board positions. He indicated that there are a number of exciting things happening in Brown County at this time. The zip line will be opening at the NEW Zoo soon and Streckenbach felt this will help brand Brown County as a regional tourist destination. This will also benefit the Villages of Suamico and Howard in a number of different ways. Streckenbach continued that in late May or early June the grand opening of the new golf course greens will be held and this will also have a positive impact on the County.

Streckenbach also stated that the 2015 budget is being worked on and different strategies are being considered. The largest expense will be that of the interoperability project and associated maintenance costs.

**Motion made by Supervisor Buckley, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**11. Internal Auditor Report.**

**a) Board of Supervisors Budget Status Financial Report for December, 2013.**

Internal Auditor Dan Process stated that the Board of Supervisors came in within budget. The reason for the overage on the chargeback was due to the large grievance packet that was printed and mailed out last year. Moynihan gave kudos to the County Board staff for operating within the budget and he wished to thank them for that.

Supervisor Erickson asked Process to advise department heads to include where they are with regard to total expenses and total revenue on the graphs provided to the Committees. Process stated that he will do this.

**Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**b) Quarterly Status Update.**

Process referred to Number 1 of his quarterly status update and felt that sending out a notification to all department heads on an annual basis to review administrative policy A-10 and have them sign off that they are complying with this may alleviate problems in the future. Lund and Moynihan both advised Process that this would come under his authority as Internal Auditor.

**Motion made by Supervisor Buckley, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**12. Human Resources Report.**

**a) Discussion and approval re: Hiring a Senior Civil Engineer at Step 7.**

Brent Miller stated that any position that comes in above a Step 6 has to have County Board approval. This particular position has already been approved at Planning, Development and Transportation Committee. The position is for an individual that is trained on bridge inspections and the cost of this salary-wise is about \$1,600 to go from a Step 6 to a Step 7.

Public Works/Highway Director Paul Van Noie explained that earlier this year the State of Wisconsin enhanced its bridge inspection rules. In 2013 approximately two man months were spent doing inspections, however, this year there will be considerably more work and time spent on bridge inspections and this will amount to closer to twelve man months. He noted that this is an unfunded mandate. Van Noie felt that they need someone with the background that can handle this.

Erickson indicated that the position was approved at budget time and this discussion is only to raise the pay from Step 6 to Step 7.

Moynihan questioned if this would have to be done through a resolution. Streckenbach stated that this does not require any funding and is already in the budget. Secondly, the position has been approved in the budget and the only reason this is before the Committee is because it is above a Step 6.

Buckley would like to see some formal action other than a discussion and approval at the committee level. Lund felt that it should be presented to the County Board in resolution form along with an explanation as to why the resolution was created and what the dollar factor is and that the position has already been approved.

**Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to approve hiring a Senior Civil Engineer at Step 7 in resolution form at the next County Board meeting. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**Resolutions, Ordinances**

- 13. Initial Resolution Authorizing the Issuance of Not to Exceed \$5,665,000 General Obligation Bonds of Brown County, Wisconsin in one or more series at one or more times.**

Buckley noted that some departments are returning money to the general fund this year and he recalled that throughout the years the plan seemed to be to cut back on bonding. He would like to know if this actually needs to be bonded for or if there was a possibility to cover it from money from the general fund. He would like to see numbers as to what is currently in the general fund.

Miller noted that the current fund balance is one of the reasons the County has been able to maintain their AAA bond rating which saves about \$200,000 in interest a year. The bonding companies will not provide a specific number as to what needs to be in the general fund to maintain the AAA rating.

Streckenbach stated that the long term goal has been to look at how to eventually get the road projects into the overall operating budget. In the short term, the Highway Department has been looking into the asphalt plant and construction of roads and extending road life. The second part of this is looking at how to come up with the funding to pay for the roads over the long term. This will take time and if we go to the general fund it would have to be weighed as a long term solution as it would be a major impact to the County's financial structure. Streckenbach stated that there are five counties that have a AAA bond rating, and, of those, Brown County does not compare with the others when it comes to debt. Part of the reason Brown County is able to maintain the AAA rating is because the funds in the general fund are healthy. Streckenbach continued that the County's overall debt is going down.

Buckley asked if any of the projects were being funded out of our own pocket. He felt that is there was ample money in the general fund, some of that should be used for projects instead of bonding for them, even though the interest rates are good right now.

Erickson commented that there has been excellent management at the Public Works Department and noted that many of the budgets last year came in under budget and because of this, they have been able to extend out some of the money and do more miles and complete additional projects. He continued that the Highway Department operates very frugally and works extremely hard to get the most out of every dollar.

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

- 14. Ordinance to Amend Sections 2.16 of the Brown County Code Entitled, "Appointment Terms for Committees, Commissions and Boards".**

Lund noted that this was brought forward last month by Supervisor Fewell who felt that anybody who serves on a commission or board should be in the taxing district that that board or commission serves.

**Motion made by Supervisor Erickson, seconded by Supervisor Buckley to approve. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**15. Ordinance Amending Sections 4.92 and 4.93 of Chapter 4 of the Brown County Code Entitled "Grievance Procedure".**

Corporation Counsel Juliana Ruenzel provided the Committee with a red lined copy of the proposed changes to the ordinance, a copy of which is attached. She explained that the grievance process would go from the impartial hearing officer to the Executive Committee if there were an appeal. The Executive Committee would then review the information and make a recommendation to the full County Board. Under this procedure, the County Board does not have to be involved in the full process.

**Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**16. Resolution re: Change in Table of Organization for the Neville Public Museum Technician.**

Interim Museum Director Beth Lemke and Brent Miller addressed Committee. Lemke advised that this is a salary savings and will also help out the curator.

**Motion made by Supervisor Evans, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**17. Resolution re: The reclassification of the Clerk/Typist II Position at the Neville Public Museum.**

Lemke stated that this position is not in the proper classification. She stated that there would be a small salary differential for this year and this will be properly budgeted for in 2015.

Buckley stated that he does not agree with reclassing positions without the benefit of having the comp and class study. He noted that this has also come up in the Public Safety area and he does not agree with this.

**Motion made by Supervisor Evans, seconded by Supervisor Moynihan to approve. Vote taken. Ayes: Evans, Lund, Moynihan, Erickson Nay: Buckley MOTION CARRIED 4 – 1**

**18. Resolution re: Change in Table of Organization for the Neville Public Museum Project Operations Manager LTE & Cataloger LTE Grant Funded.**

Lemke reported that grant funding ran out for this position last week and this is a reallocation of already budgeted funds to finish the project. This will also allow more time to go after another grant to continue on to finish the cataloging.

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**19. Resolution re: Change in Organization for the Human Services Department Social Worker/Case Manager.**

**Motion made by Supervisor Evans, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

20. **Resolution re: Reclassification of Positions in the Human Services Department (Receptionist, Switchboard Operator, Clerk Receptionist, Switchboard Operator/Receptionist).**

Evans stated that this will allow for cross training in the Human Services Department.

Erickson stated that to him it appears that what is being done is taking all of the positions and making them into one position. Miller stated that that is essentially what is happening but this will not affect any current employees. Erickson asked why these positions have different salaries and it was explained that they all came from different unions and further, the number of hours worked are different.

**Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY**

21. **Resolution re: Change in Table of Organization for the Public Works Department LTE Highway Maintenance Worker.**

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

22. **Resolution re: Reclassification of Positions in the Land and Water Conservation Department Agronomist Technician & Engineering Technician.**

Miller stated that they have an accepted offer for an engineering technician but the problem with the agronomist is that they have not been able to recruit one. There are plenty of people applying out of college, but they do not have the appropriate qualifications and experience. This resolution has been approved unanimously at PD & T. The resolution needs to be amended to take out the engineering technician.

**Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to approve resolution striking engineering technician at pay grade 17. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Closed Session:** Notice is hereby given that the governmental body will adjourn into a closed session during the meeting on number 1 below, as authorized pursuant to Wisconsin Statutes Section 19.85 (1)(e) deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and Pursuant to Wis. Stat. § 111.70 as allowed for purposes of negotiating and collective bargaining, which authorizes the governmental body to convene in closed session.

23. **Discussion and possible action on labor negotiations and bargaining with the Sheriff Department Supervisory Employee Contract.**

**Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to enter into closed session. Roll Call Vote Taken: Ayes: Evans, Lund, Moynihan, Erickson, Buckley. MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Moynihan, seconded by Supervisor Evans to return to open session. Roll Call Vote Taken: Ayes: Evans, Lund, Moynihan, Erickson, Buckley. MOTION CARRIED UNANIMOUSLY**

**Reconvene into Open Session on the following:**

- 24. Discussion and possible action on labor negotiations and bargaining with the Sheriff Department Supervisory Employee Contract**

**Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to approve a resolution authorizing execution of the 2014 agreement with Brown County Sheriff Department Supervisory Employees. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Other**

- 25. Such other matters as authorized by law.**

None.

- 26. Adjourn.**

**Motion made by Supervisor Evans, seconded by Supervisor Buckley to adjourn at 6:43 pm. Vote taken. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

May 21, 2014

**AN ORDINANCE AMENDING SECTIONS 4.92 AND 4.93 of CHAPTER 4 OF THE BROWN COUNTY CODE ENTITLED "GRIEVANCE PROCEDURE"**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

**Section 1** -Sections 4.92 of Chapter 4 of the Brown County Code regarding the Grievance Procedure is amended as follows:

**§4.92 TIMELINES AND GRIEVANCES**

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**Appeal for Review:** The non-prevailing party may file a written request for review by the Executive Committee of the County Board within ten (10) working days of receipt of the Impartial Hearing Officer's written response.

**Decision of the Executive Committee County Board:** The Executive Committee County Board shall make a decision whether or not to uphold the Impartial Hearing Officer's decision and recommendation within sixty (60) working days of the Impartial Hearing Officer's decision to sustain or deny the Grievance and any recommendation of a remedy by the Impartial Hearing Officer regarding whether or not a meeting will be held within thirty (30) working days of the appeal. A decision by the Executive Committee, along with a remedy, shall County Board will be sent to the County Board for final approval made within sixty (60) working days of the filing of the appeal unless the County Board extends this timeframe.

**Importance of Timelines and Process:** A Grievance will be processed pursuant to the established timelines. A Grievant may advance a Grievance to the next step if a response is not provided within the designated timeframes A Grievant may not file or advance a Grievance outside of the designated timeframes. The Administration may advance a Grievance to the next step at the written request of either the Grievant or the Administration. The timelines may be modified by mutual agreement of the Grievant and Administration. The failure of the Grievant to follow the timelines and other requirements in this policy shall result in the Impartial Hearing Officer not having jurisdiction over this matter and shall terminate the Grievance Procedure for that Grievance. The Impartial Hearing Officer shall have the authority to determine whether the Impartial Hearing Officer has jurisdiction, which may be subject to review by the County Board.

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**Selection of Hearing Officer:** Following receipt of the a properly filed appeal, of the Administrative decision requesting a hearing-Hearing before an Impartial Hearing Officer, the Administration shall provide the name of the person who shall serve as an Impartial Hearing Officer.

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**Section 2** – Sections 4.93 of Chapter 4 of the Brown County Code regarding the Grievance Procedure is amended as follows:

**4.93 THE POWERS AND RESPONSE OF THE IMPARTIAL HEARING OFFICER.**

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**Powers of the Hearing Officer:** The Impartial Hearing Officer shall have the power to sustain or deny the Grievance. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the Administration, and shall be addressed by the Executive Committee ~~County Board~~ in the event the Grievance is sustained. The Impartial Hearing Officer may request oral or written arguments and replies.

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**Written Review of Appeal:** The written notice of requesting the Executive Committee to review the appeal decision and recommendation of the Impartial Hearing Officer (“Review of Appeal”) ~~appeal shall contain a statement explaining the reasons for the appeal and a copy of the Grievance, the Administration’s response to the Grievance, and the Impartial Hearing Officer’s determination response and recommendation.~~ The written notice for Review of the Appeal may not include information that was not presented at the Hearing. The request shall be filed with the Chairperson of the Executive Committee ~~County Board~~ at the Brown County Board Office and with a copy to the prevailing party.

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**Record of the Hearing:** Upon request for Review of Appeal appeal of the response of the Impartial Hearing Officer, a copy of the entire record of the Hearing by the Impartial Hearing Officer shall be provided to the members of the Executive Committee ~~County Board~~.

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**4.94 REVIEW BY EXECUTIVE COMMITTEE OF THE COUNTY BOARD.**

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**Review:** The Executive Committee ~~County Board~~ shall review the record and determine whether a rational basis exists for the Impartial Hearing Officer’s decision. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous. The Executive Committee shall fully inform the County Board as to the substance of the Grievance, the findings of fact of the Impartial Hearing Officer’s determination, whether a rational basis exists for the Impartial Hearing Officer’s decision, and the Executive Committee shall make a recommendation to the County Board whether the Grievance should be sustained or denied, and recommend a remedy. The County Board after being fully informed by the Executive Committee shall make a determination as to whether or not to adopt the recommendation and remedy of the Executive Committee. In the event the County Board does not approve the recommendation and remedy of the Executive Committee ~~sustain the Impartial Hearing Officer’s decision~~, then the County Board may render a new decision and remedy after full review of the Hearing and evidence presented, or request the Impartial Hearing

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Officer ~~to take further evidence, or request further review by the Executive Committee,~~  
~~assign an Impartial Hearing Officer to create a recommendation for the Board's review,~~  
or hold a new hearing before the County Board and make an independent decision.

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Section 3 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,

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EXECUTIVE COMMITTEE

Approved By:

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Troy Streckenbach,  
COUNTY EXECUTIVE

Date Signed:

Final Draft Approved by Corporation Counsel

Fiscal Impact: